

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Sitcha Richard,  
(A95 461 653)

V.

Frederick MacDonald, High  
Sheriff, Franklin County  
House of Corrections; Tom  
Ridge, Secretary, Department  
of Homeland Security; Michael  
Garcia, Assistant Secretary  
(Designee), Bureau of Immigration  
and Customs Enforcement (ICE);  
Eduardo Aguire, Acting Director,  
Bureau of Citizenship and  
Immigration Services("CIS");  
Bruce Chadbourne, Interim Director,  
ICE, Boston, Respondents

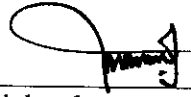
Case No. 04-CV-300090-MAP

**AFFIDAVIT**

- 1 I, Sitcha Richard am the above named Petitioner and I did not deliberately fail to file an appeal of the Board of Immigration Appeals decision with the U.S. Circuit Court of Appeals.
2. I, Sitcha Richard was Pro Se as of February 10, 2004, when I indicated to the BIA I no longer would be represented by my prior attorney. I believe that this attorney was not zealously representing my interests and not informing me of what was occurring with regard to my case. See Exhibit A

3. The prior attorney failed to supply me with the prior decisions from the September 18, 2003 hearing. In addition, I never received three of the five separate decisions issued by the court until after the March 25, 2004 deadline and this caused me additional confusion.
4. I was Pro Se on February 25, 2004 through March 25, 2004 when the Board of Immigration Appeals (BIA) decision was issued. I did not file an appeal of the BIA's Decision because I was not familiar with the complex jurisdictional rules that govern the judicial review process requiring appeal of the BIA decision to the Circuit Court of Appeals. I did not speak with an attorney during this period of time from February 25, 2004 through March 25, 2004. I did not understand my rights to appeal the BIA decision to the Circuit Court of Appeals.
5. I am fluent in my official language of French. I am not fluent in English and have difficulty understanding many English words. Based upon my difficulty with the english language I did not understand the requirements to appeal the BIA decision to the Circuit Court of Appeals.
6. On February 2, 2004, I was assaulted by my cellmate while I was custody at the Osborne Correctional Facility in Connecticut. I was placed in an isolational cell for two days while I was under suicide watch. This assault left me physically and psychologically fragile. This injury lasted for several months causing me to suffer mentally, physically and caused me not to be in the right state of mind. I was not in the right state of mind to understand the consequences of not appealing to the Circuit Court of Appeals.(See Exhibit 2, Medical Records from Osborne Correctional Facility)
7. For these reasons I was unable to file an appeal with the Circuit Court.

Signed under the pains and penalties of perjury this 5<sup>th</sup> day of November 2004.

A handwritten signature in black ink, appearing to read 'Sitcha Richard', written over a horizontal line.

Sitcha Richard

## **EXHIBIT 1**

DISTRICT OF CONNECTICUT

IN THE MATTER

SEN. SITCHA RICHARD CASE NO. A95-461-653.

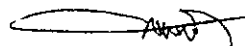
DEAR CLERK OF BOARD OF IMMIGRATION APPEALS,

I RESPECTFULLY ASK YOU TO CANCEL ALL THE ACTS MY LAWYER ANTHONY D. COLLINS SENT TO YOUR OFFICE ABOUT MY CASE. I'M VERY DESAPPOINTED BY HIS REPRESENTATION. I'M A SIMPLE SEEKER OF POLITICAL ASYLUM WHICH IS A CIVIL MATTER. I'M A PEACEFUL PERSON WHO HAS NEVER BEEN INVOLVED IN A SUIT OR A FELONY AND I HAVE NEVER BEEN HEARD ON ANY OTHER MATTER THAN POLITICAL ASYLUM NOR THAN ANY OTHER COURT THAN INS COURT. I NOTICED THAT AN UNFORTUNATE ERROR OF THE IMMIGRATION JUDGE IN MY CASE HAS SENT ME IN JAIL. I SENT A MOTION TO THE INS CLERK OFFICE AND COPY TO MY LAWYER. DESPITE THE FACT HE AGREED WITH ME ABOUT THE ERROR HE ADMIT SEE I DON'T KNOW WHY, HE NEVER ASKED THE COURT TO SCHEDULE A DATE FOR A HEARING ABOUT MY MOTION. ON FEBRUARY 04-04. HE SENT ME A COPY OF AN APP BRIEF AND COPY OF A REQUEST FOR EXTENSION OF TIME FILE BRIEF, HE HAS SENT TO YOUR OFFICE AND TO HOMELAND SECURITY TRIAL ATTORNEY UNIT 450 MAH ST HARTFORD CT 06103 ON JANUARY 5<sup>TH</sup> -04. I CAN'T UNDERSTAND WHY FOR A CIVIL MATTER AS SEEKING FOR POLITICAL ASYLUM A COPY OF ALL THESE DOCUMENTS SHOULD BE SENT TO THE TRIAL UNIT OF HOMELAND SECURITY INS. IT SHOULD BE SENT TO INS ROOM 509 WHICH IS IN CHARGE OF CIVIL MATTERS LIKE MINE. I NEVER BEEN IN ROOM 483. SINCE OCTOBER 1<sup>ST</sup> DECISION I HAVE CONTESTED. I NEVER BEEN AGAIN TO THE COURT AND I HAVEN'T RECEIVED COPY OF ANY DECISION SINCE THAT DAY. I HAVE LOST CONFIDENCE IN MY LAWYER AND I DON'T WANT HIM TO REPRESENT ME ANYMORE. I WILL NOT ACKNOWLEDGE ALL ACTS MY LAWYER DID ON MY BEHALF AFTER OCTOBER 21<sup>ST</sup> 2003 AND BETWEEN JANUARY 16<sup>TH</sup> 2004 AND OCTOBER 31<sup>ST</sup> 2003 ONLY IF HE HAS SENT ME A COPY.

THANK YOU

RESPECTFULLY SUBMITTED

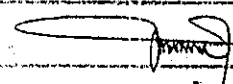
SITCHA RICHARD



J. SITCHA RICHARD, CERTIFIES THAT THIS LETTER WAS SENT BY  
U.S. POSTAGE TO

-ATTORNEY ANTHONY D. COLLINS AT 664 FARMINGTON AVENUE  
HARTFORD CT 06105 ON FEBRUARY 11-2004

- DEPARTEMENT OF HOMELAND SECURITY TRIAL ATTORNEY UNIT AT  
450 MAIN ST HARTFORD CT 06103 ON FEBRUARY 11-2004



## **EXHIBIT 2**

HR401 REV.5/84

CONNECTICUT DEPARTMENT OF CORRECTION

## CLINICAL RECORD

INMATE NUMBER 314760		DATE OF BIRTH 5/25/62
INMATE NAME (LAST, FIRST, INITIAL) Sutche Richard		
SEX (M) F	RACE/ETHNICITY B W H (O)	FACILITY CCI

DATE/TIME	CLINICAL RECORD
2/3/04 1pm	S/O: Calm; quiet all day, given bible & glasses, showered, eating well. med. complaint for Int. Bl. - double checked to make sure he wasn't getting psych meds mixed in. A: ineffective coping P: Cont pos. <i>D. Duperter</i>
2-3-04 7pm	S: <i>S</i> O: <i>Good; passing time reading, resting</i> A: <i>no acute issues</i> P: <i>continue Pos of Care</i>
2/4/04 11p-7a	S: "I okay" O: I M slept soundly throughout the night. In denies SI or feeling depressed. In remains quiet & calm. A: Ineffective coping - no acute issues. P: <i>Cont - pos</i> <i>R. M. J.</i>
2-4-04 PMD 10a	S: on rounds. No complaints - good spirits - ready for return to pop. No PT used. <i>MT 2</i> acute situational reaction (bad callie) resolved. Discharge to Custody <i>Ronald Hensley, MD.</i> <i>Hensley</i> A: <i>SSM - population.</i>
2-4-04 11:15a	S: <i>psychiatric re with concerns - it's a civil matter.</i> O: <i>Calmer &amp; cooperative</i> A: <i>Improved</i> P: <i>for discharge to Gen Pop.</i> <i>Continue with TB meds. R. M. J.</i>



HR401 REV.5/94  
CONNECTICUT DEPARTMENT OF CORRECTION

CLINICAL RECORD

INMATE NUMBER 214760		DATE OF BIRTH 5/25/62
INMATE NAME (LAST, FIRST, INITIAL) Setina, Richard		
SEX (M) F	RACE/ETHNIC B W H (O)	FACILITY CCI

DATE/TIME	
2-3-04 9:30a	<p>(3) "I am not suicidal. My cellmate wanted to fight me."</p> <p>(2) I'm presented bright, sneaking and eager to talk. Reported cellmate began harassing him, except on any time. I'm denied any suicidality. I'm having many TV's issues.</p> <p>(1) 2/10 DSD</p> <p>(2) Continue tomorrow. (3) Bulky and</p>
2/2/04 10:00	<p>4 hrs</p> <p>(1) "I was upset. I'm not suicidal. I'm angry &amp; hard in the beginning, but responded very well to the staff &amp; became pleasant &amp; cooperative. His situation is not clear. I don't think that he is completely honest about his immigration problem otherwise along better, more appropriate reactions. Better impulse control as active participation, of 8/1/03, A &amp; OX3. Denied any HX/D &amp; RX; refused to start Prozac.</p> <p>(1) Under adjustment reaction - resolving</p> <p>(1) D/C Prozac.</p> <p>(2) D/C Q18 &amp; privileges</p> <p>(3) Cont. HX in HX-R X240 then consider D/C it stable</p> <p><i>[Signature]</i> MICHAEL DRESS, MD</p>

HR401 REV.5/94  
CONNECTICUT DEPARTMENT OF CORRECTION

CLINICAL RECORD

INMATE NUMBER 314760		DATE OF BIRTH 5/25/62	
INMATE NAME (LAST, FIRST, INITIAL) SITHCHH Richard			
SEX F	RACE/ETHNIC B W H O	FACILITY 00	

DATE/TIME	10:50am Received a letter from Lt. Parker up at 11pm stating he is going to kill himself. asking if mental health to see him again and that 11pm had been escorted back to mental P.O.
2/2/04	10:20 11m discussed with Dr. Joudrey and Hsp. II last night staff orders obtained to admit to Hsp. II
2/2/04 1:30pm	S/O: 11m is a 42 yo from Cameroon being held on immigration charges very intelligent, soft spoken man, speaks English Spanish & French states he came to this country & applied for political asylum. He's not been able to get his family here from Cameroon. Very good support system in his church - numerous visits from church family since incarceration. Denies S/H at this time. Denies any medical conditions, BP 110/70, refusing meds.
2/2/04 1:30pm	A: numerous stressors P: Cont to monitor S/O's: 11m is a 42 yo from Cameroon being held on immigration charges very intelligent, soft spoken man, speaks English Spanish & French states he came to this country & applied for political asylum. He's not been able to get his family here from Cameroon. Very good support system in his church - numerous visits from church family since incarceration. Denies S/H at this time. Denies any medical conditions, BP 110/70, refusing meds.
2/3/04 11:07	S - "I don't take meds" O - 11m quietly resting, P.O. 11m got somewhat agitated when offered meds, ref po. meds. A - Non-Compliant c med P - Cont Poc

HR401 REV.5/94  
CONNECTICUT DEPARTMENT OF CORRECTION

CLINICAL RECORD

INMATE NUMBER <b>314700</b>		DATE OF BIRTH <b>3/25/60</b>	
INMATE NAME (LAST, FIRST, INITIAL) <b>Stecher, Richard</b>			
SEX <b>M</b>	RACE/ETHNIC <b>B W H O</b>	FACILITY <b>HCC</b>	

*Spent fresh*  
**9/18/03** *Reg @ Hec*  
*Di: I'm OK*  
**8/1** *Di: I'm OK*  
**9/21/03** *HR For ineffective INDV covering RT inaction*  
*P: PLANT PPD*  
**12/1/03** *mtg. reviewed chart. Stated as mthl - [unclear]*  
**12/1/04** *8:00 am*  
*11m seen referred by nursing supervisor. 11m is a 27yr old INS detainee from Cameroon who came to USA April 2001 for political asylum. Reports he was an attorney in Cameroon. His wife is working family in France and his two kids are with his cousin in Africa. On Sept 18<sup>th</sup> 2003 he was incarcerated. He states it's a mistake as he was granted political asylum April Jan 16<sup>th</sup> 2003. 11m also stated agitated state his ellie hit him earlier today - States "I'm a person who knows the law, when I'm in an aprison like this I feel ashamed, I have never broken the law. He is frustrated as he has a party and he feels his lawyer should be able to have get him released from prison. He claim he can not be an INS detainee if he has political asylum. 11m evaluated by Dr. [unclear] 8:00 am. 11m requests for safety and given an appkt for Flu shot last MTD Tues 12/3/04. Lt. Capt. Parker called asked to see 11m re placement as 11m during cell abuse. 11m discussed to Lt. Parker at the Capt's Office @ 12:00. 11m refuses to take any medication for depression/agitated stating "I just want my freedom. Wants to go working with his attorney re release."*  
*Blamell m*